

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TAYR KILAAB AL GHASHIYAH (KHAN),
f/n/a JOHN CASTEEL,

Plaintiff,

ORDER

v.

3:07-cv-308-bbc

MATTHEW FRANK, RICHARD SCHNEITER,
CHRISTINE BEERKIRCHER, JAILOR A. JONES,
GERALD KONDOZ, JAILOR SHARPE,
JAILOR TAYLOR, JAILOR HANFIELD,
JAILOR PRIMMER, JAILOR MICKELSON,
JAILOR ESSER, JAILOR SCULLION,
JAILOR BEARCE, JOHN McDONALD and
JOHN POLINSKE,

Defendants.

In an order dated December 18, 2007, I denied plaintiff's motion for reconsideration of the December 3, 2007 order separating his claims into three individual lawsuits as required by Fed. R. Civ. P. 20 and George v. Smith, ---F.3d ---, No. 07-1325 (7th Cir. Nov. 9, 2007). I gave petitioner until December 27, 2007 to tell the court which lawsuits he intends to pursue and told him that he would be required to prepay the fees for any additional lawsuits in full because he has struck out under 28 U.S.C. § 1915(g). Now

plaintiff has filed a response to the December 18 order advising the court that he will pursue the claims contained in what I identified in both orders as Lawsuit #1. He states he will dismiss voluntarily the claims contained in Lawsuits #2 and #3.

In Lawsuit #1, plaintiff has chosen to proceed with his claims against defendants Taylor, Sharpe, Primmer, Jones, Bearce, Esser, Scullion, Frank and Schneiter for participating in an allegedly unconstitutional strip search that included the use of excessive force and was performed in the presence of other prisoners, and against defendants Sharpe, Primmer, Schneiter, Hanfield and Michaelson for placing plaintiff in a cell where the conditions were so deplorable that they violated plaintiff's Eighth Amendment rights. Plaintiff has chosen to dismiss voluntarily his claims in Lawsuit #2 against defendants Kondo, Beerkircher, Frank and Schneiter for prohibiting him from using his religious name on his grievances and his claims in Lawsuit #3 against defendants Kondo, Polinske and McDonald for failing to give him notice of the reasons for his transfer to the Wisconsin Secure Program Facility. Because plaintiff is no longer proceeding against defendants Beerkircher, Kondo, McDonald and Polinske, plaintiff's actions against these defendants will be dismissed.

ORDER

IT IS ORDERED that

1. Plaintiff's actions against defendants Beerkircher, Kondo, McDonald and Polinske are DISMISSED without prejudice.
2. Plaintiff is allowed to proceed with his claims in Lawsuit #1 against defendants Taylor, Sharpe, Primmer, Jones, Bearce, Esser, Scullion, Frank, Schneider, Hanfield and Michaelson.
3. The stay imposed on December 3, 2007 is LIFTED.
4. The parties are advised that a status conference is scheduled to be held before United States Magistrate Judge Stephen Crocker on January 16, 2008 at 9:30 a.m.

Entered this 31st day of December, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge